

**Notice of Allowability**

Application No.

09/848,780

Examiner

Samuel W Liu

Applicant(s)

SANDERS, MITCHELL C.

Art Unit

1653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-17-04 & 4-11-03.
2. ☒ The allowed claim(s) is/are 6-15.
3. ☒ The drawings filed on 03 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3-10-04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2004 has been entered.

This Office action is in response to (i) applicants' amendments filed 17 February 2004 which amends claims 6-15; and (ii) applicants' amendment filed 11 April 2003, which cancels claims 1-5 and adds claims 6-15. The amendments indicated above have been entered. The pending claims 6-15 are therefore examined in this Office action.

### **EXAMINER'S AMENDMENT**

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Deirdre E. Sanders on March 10, 2004.

#### **Amendments to the specification:**

In page 4, line 16, change "SDS PAGE" to "SDS polyacrylamide gel electrophoresis (SDS PAGE)".

In page 5, line 20, change "37-C" to "37 °C".

In page 7, line 5, change "p26-RSET C, p26-pPE21" to "p26-RSET C and p26-pPE21".

In page 7, line 20, change "thepKK223-3" to "the pKK223-3".

#### **Amendments to the specification:**

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The pending claims 8-9 and 11-12 have been amended as follows. Please replace the previous claims with the claims shown below.

Claim 8 (*twice amendment*): after "comprises said alpha-crystallin type protein or a fragment thereof" add "that has an ability of improving stability and solubility of said insoluble protein"; and after "between said alpha-crystallin type protein or a fragment thereof" add "that has an ability of improving stability and solubility of said insoluble protein".

Claim 9 (*twice amendment*): delete "said method" after "a first protein"; and add "that has an ability of increasing the solubility of said first protein" after "a fragment thereof".


Claim 11 (*twice amendment*): add "that has an ability of increasing the solubility of said first protein" after "*comprises* said alpha-crystallin type protein or a fragment thereof"; and add "that has an ability of increasing the solubility of said first protein" after "*between* said alpha-crystallin type protein or a fragment thereof a fragment thereof".


Claim 12 (*twice amendment*): add "a" before "fragment thereof"; and add "that has an ability of increasing the stability of said first protein" after "fragment thereof".

*Conclusion*: claims 6-15 are allowable over the art of record.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (571) 272-0949. The Examiner can normally be reached daily except alternate Fridays from 8:30 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christopher Low, can be reached at (571) 272-0951. The official fax number for Technology Center 1600 is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

  
Samuel W. Liu, Ph.D.  
March 10, 2004

  
KAREN COCHRANE CARLSON, PH.D.  
PRIMARY EXAMINER